

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF SECURITIES

In the Matter of,

FINAL ORDER

DARIEN J. SMILEY, and
JOSEPH J. GIBBS,

Respondents.

DFI Case No. S-242116 (EX)

WHEREAS, on September 17, 2021, at 10:00 am the Hearing Officer convened a pretrial conference pursuant to the Notice of Hearing dated August 30, 2021;

WHEREAS, Attorney Supervisor Robin Jacobs and Examiner Mark Dorman appeared by telephone representing the Division;

WHEREAS, no appearance was made by Respondent Joseph J. Gibbs, who had previously filed a petition for hearing on August 18, 2021;

THEREFORE, in accordance with Wis. Stat. § 551.604(3) and Wis. Admin. Code DFI-Sec. 8.03, I now make the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On August 5, 2021, the Administrator of the Division issued a Summary Order to Cease and Desist against Darien J. Smiley and Joseph J. Gibbs ("Summary Order").
2. On August 18, 2021, Joseph J. Gibbs filed a petition for hearing with the Division.
3. On August 30, 2021, the Administrator issued a Notice of Hearing setting the date for the pretrial conference and providing a telephone number for the parties to appear telephonically. The Notice of Hearing stated that "Failure to appear at any hearing or prehearing conference may be deemed a default, and the Designated Hearing Officer may make a decision, enter an Order, or otherwise dispose of the case pursuant to Wis. Admin. Code § DFI-Sec. 8.03."
4. The Division informed me that Mr. Gibbs received service of the Notice of Hearing via certified mail at the Waukesha County Jail.
5. Mr. Gibbs did not appear at the prehearing conference of which he had notice.

CONCLUSIONS OF LAW

6. By not appearing at the pretrial conference of which he had notice, Joseph J. Gibbs is deemed to be in default pursuant to Wis. Admin. Code DFI-Sec. 8.03.

RULING AND FINAL ORDER

In light of the above findings of fact and conclusions of law, I hereby enter a Ruling against Respondent Joseph J. Gibbs and a Final Order against Joseph J. Gibbs as follows:

RULING

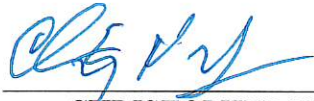
7. Joseph J. Gibbs is in default with respect to the Summary Order to Cease and Desist issued on August 5, 2021.

FINAL ORDER

8. The Summary Order's statements of facts and conclusions of law are adopted as the findings of facts and conclusions of law in this Final Order pursuant to Wis. Stat. § 551.604(3) and Wis. Admin. Code DFI-Sec. 8.03.
9. The Summary Order's summary orders are final pursuant to Wis. Stat. § 551.604(3) and Wis. Admin. Code DFI-Sec. 8.03.

IT IS SO ORDERED.

EXECUTED at Madison, Wisconsin, and effective on this 17th of September, 2021.



CHRISTOPHER N. GREEN
Designated Hearing Officer

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